



City of El Paso – City Plan Commission Staff Report

Amendment to Title 20 (Zoning) Changes in Department Name, Responsibilities Various Sections

The legal department is proposing changes to the references to Planning & Economic Development in the current Zoning Code to the proposed new City department, City Development Department, as well as changes in naming responsible positions for approvals.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE CITY CODE TO REFLECT DEPARTMENTAL REORGANIZATION BY AMENDING TITLE 20 (ZONING) TO AMEND VARIOUS SECTIONS THEREUNDER PERTAINING TO THE DUTIES THAT HAD BEEN ASSIGNED TO THE PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT, TO CORRECTLY IDENTIFY THE NEW DEPARTMENT NAME; AND REGARDING THE DUTIES OF THE CITY ENGINEER; THE PENALTY BEING AS PROVIDED IN SECTION 20.24.020 OF THE EL PASO CITY CODE.

WHEREAS, the Planning and Economic Development Department and the Building Permits and Inspections Division are being combined into a new department named the City Development Department; and

WHEREAS, various provisions in the City Code need to be amended to reflect the changes.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

Section 1. That Title 20 (Zoning), Chapter 20.04 (Administrative provisions), Section 20.04.010 (Responsibility for administration of provisions), of the El Paso City Code, is amended to read as follows:

20.04.010 Responsibility for administration of provisions.

Responsibility for the administration of the provisions of this title shall be vested in the city council, the city plan commission, the city planning and economic development department, the zoning board of adjustments, ~~the engineering and construction management department~~, the fire department, the department of environmental services, the department of transportation, and the department of public health, in accordance with the provisions of this code, including the provisions of this title.

Section 2. That Title 20 (Zoning), Chapter 20.04 (Administrative provisions), Section 20.04.560 (Private streets), of the El Paso City Code, is amended to read as follows:

20.04.560 Private streets.

Where authorized by the commission in approving a subdivision plat, streets may be permitted to remain in private ownership provided they meet standards contained in the

subdivision ordinance for design and construction of streets, taking into consideration the needs of the project and adjacent uses, and are approved by the director of the city development department or other designee of the city manager ~~city engineer~~.

Section 3. That Title 20 (Zoning), Chapter 20.04 (Administrative provisions), Section 20.04.900 (Administrative and Enforcement Activities), of the El Paso City Code, is amended to revise the section title and to read as follows:

20.04.900 Administrative and Enforcement Activities.

A. It shall be the duty of the planning official and such other employees as are appointed by the city manager designee to interpret the provisions of this title.

B. The director of the city development department, ~~city engineer~~, the building official, employees of the code enforcement division, and other enforcing officers as defined or designated by the city manager, constitute authorized city officials and are authorized to enforce the provisions of this title, issue citations for violations of this title, and take all other actions authorized by this Code relating to the matters regulated under this title.

C. The employees designated in this section are authorized to make inspections of any property necessary to enforce the provisions of this title, as further provided in this Code.

Section 4. That Title 20 (Zoning), Chapter 20.10 (Supplemental use regulations), Section 20.10.360, Subsections B 3, 4 and 5 (Mixed-use development), of the El Paso City Code, is amended to change the phrase "planning and economic development department" to "city development department" as used within this section.

Section 5. That Title 20 (Zoning), Chapter 20.10 (Supplemental use regulations), section 20.10.400, subsections D, E and F (Neighborhood Conservancy Overlay), of the El Paso City Code, is amended to read as follows:

20.10.400, Subsections D, E and F, Neighborhood Conservancy Overlay

D. Study Area Plan Formulation and Adoption. Prior to application for an NCO, the city shall have adopted a specific study area plan, as required by "The Plan for El Paso," for property within a neighborhood wholly or partially to be designated for mixed-use. The study area plan shall, at a minimum, include a written and graphic description of the concerns, policy objectives, guidelines and design standards for regulating the development of the area. The ~~city planning and economic~~ development department shall, upon authorization and prioritization by the El Paso city council, assist area residents and other interested parties to prepare a study area plan, and when completed shall be on file in the department. Any NCO designation approved by the city shall incorporate the study area plan by express reference.

E. City Review Committee.

1. A city review committee (CRC) shall be created to oversee the functions within each area designated an NCO. The CRC shall have the power and authority to review and authorize the release of building permits for any new construction, reconstruction or renovation of the exterior of existing buildings or structures within a designated NCO. The building official shall forward all applicable building permit applications to the CRC.

2. Members of the CRC shall consist of the planning official, the building official and the historic preservation officer (or their respective designees). The planning official shall act as secretary of the committee. For quorum purposes, presence of all members of the CRC shall be required to convene a meeting and vote on any permit. Meetings shall be scheduled, with notice duly posted according to the Texas Open Meetings Law, by the secretary as necessary to review and act on permit applications. Written notice of any permit application received and pending action before the CRC shall be given, as a minimum, to any area neighborhood associations and to the immediate abutting property owners within the NCO area. The notice shall state the date and time of the scheduled meeting before the CRC.

3. The secretary shall make and maintain a detailed record of all proceedings and procedures of the CRC, setting forth the reasons for each decision, the vote of each member participating therein, and any failure of a member to vote. Action taken at a CRC meeting shall require the affirmative vote of a majority of the members present at the meeting. The CRC shall, in every case, reach a decision without unreasonable delay.

4. All decisions of the CRC shall be reasonable under the circumstances and shall not be arbitrary or capricious. If the CRC has not disapproved an application for a building permit within twenty days after it has been properly submitted then such application shall be deemed to have been approved without further action of the CRC. All decisions shall be in writing and shall be served on the applicant by the United States mail, postage prepaid, return receipt requested, and shall be deemed given when deposited in the United States mail.

F. Contents of Application, Scope of Review, Waivers.

1. Prior to the issuance of any building permits for any new construction, reconstruction or renovation of the exterior of existing buildings on property (or any portion thereof) with an NCO designation, drawings and applications shall be reviewed by the CRC to determine if the proposed new construction, reconstruction or renovation complies with the design standards of the specific study area plan.

2. The CRC shall establish and publish a detailed list of the documents and information that must be submitted by an applicant together with the application for a building permit, copies of which shall be maintained as directed by the city manager or designee. All applications for building permits on property with an NCO designation shall comply with the required design standards for the applicable study area plan. Approval of a permit shall indicate that the proposed construction complies with the requirements of this section and the design standards of the specific study area plan. The CRC may request assistance of other city departments to review drawings and applications. In the event that the design standards of the applicable study area plan are more restrictive or impose higher (or different) standards than the

requirements of this title, the design standards of the applicable study area plan shall govern.

Section 6. That Title 20 (Zoning), Chapter 20.10 (Supplemental use regulations), Section 20.10.700 (TV and radio broadcasting antennae), of the El Paso City Code, is amended to change the phrase "city engineer" to "director of the city development department or other designee of the city manager" as used within this section.

Section 7. That Title 20 (Zoning), Chapter 20.14 (Off-street parking, loading and storage standards), Section 20.14.040, Subsections D, E and G, (Design and construction), of the El Paso City Code, are amended to read as follows:

20.14.040, Subsections D, E and G, Design and construction

D. Access to Lots. Access to off-street parking spaces shall be provided by aisles or driveways complying with Title 19 (Subdivisions), Title 13 (Streets, Sidewalks and Public Places), and this chapter. An aisle is the traveled path providing vehicular access to two or more parking spaces. Access shall be subject to approval by the city traffic engineer and shall be arranged to minimize turning movements onto and from the public right-of-way. Aisles and driveways providing access to off-street parking spaces shall connect to a dedicated public or private street or easement. Property zoned R, A, or RMU may not be used for access to a parking area on a separate site for a use that is not permitted in the R, A or RMU zone.

E. Acceptable Surfaces. Surfacing of required off-street parking spaces shall be with asphalt paving, brick, brick pavers, concrete, concrete pavers or other comparable dust-free surfacing subject to the approval of the director of the city development department or other designee of the city manager ~~city-engineer~~. Gravel screening may be an acceptable surface for required parking spaces provided that it complies with provisions of Section 20.14.080 and Appendix C. Surfaces shall be maintained in good condition, free of weeds, dust, trash and debris.

G. Stormwater Drainage. Drainage of stormwater from required off-street parking spaces and parking lots shall conform to good engineering practices and shall be subject to the approval of the city engineer or other designee of the city manager.

Section 8. That Title 20 (Zoning), Chapter 20.14 (Off-street parking, loading and storage standards), Section 20.14.080 (Gravel/screening surface parking), of the El Paso City Code, is amended to change the phrase "city engineer" to "director of the city development department or other designee of the city manager" as used within this section.

Section 9. That Title 20 (Zoning), Chapter 20.14 (Off-street parking, loading and storage standards), Section 20.14.180 (Design and construction), of the El Paso City Code,

is amended to change the phrase "city engineer" to "director of the city development department or other designee of the city manager" as used within this section.

Section 10. That Title 20 (Zoning), Chapter 20.14 (Off-street parking, loading and storage standards), Section 20.14.210, Subsection D (Standards), of the El Paso City Code, is amended to read as follows:

20.14.210, Subsection D. Standards.

D. Outdoor Storage Standards.

1. Outdoor storage areas for materials, products, junk, merchandise, equipment that is not a motor vehicle offered for sale and not another wheeled unit offered for sale, shall comply with the following requirements:

- a. Ingress and egress aprons shall comply with Title 19;
- b. Storage spaces or areas, drives and aisles shall be constructed of a minimum of six inches of sub-grade material uniformly compacted to a minimum of ninety percent of maximum density in accordance with ASTM D-1557 and a minimum of two inches of gravel/screenings;
- c. The gravel/screenings shall be maintained by the owner or operator to the satisfaction of the ~~city engineer~~ director of the city development department or other designee of the city manager, including re-grading or restoration as needed due to traffic use, or storm related degradation.

2. Such outdoor storage areas are not required to be landscaped.

3. Such outdoor storage areas shall be required to be screened from view from adjacent properties and public streets by screening walls or fences in accordance with Chapter 20.16 or other provisions of Title 20.

4. Outdoor storage of materials, products, merchandise, etc., that is offered for sale at a licensed flea market shall comply with the surfacing requirements of Section 20.14.030(E).

Section 11. That Title 20 (Zoning), Chapter 20.16 (Screening and fencing), Section 20.16.020, Subsection C (Mandatory walls), of the El Paso City Code, is amended to change the phrase "city engineer" to "director of the city development department or other designee of the city manager" as used within this section.

Section 12. That Title 20 (Zoning), Chapter 20.18 (Sign regulations), section 20.18.050, (Definitions), of the El Paso City Code, be amended to amend the following definition to remain in its proper alphabetical order:

"Planning division" means the planning division of the city Planning and Economic development department.

Section 13. This ordinance shall take effect on _____, 2012.

Section 14. Except as herein amended, Title 20 of the El Paso City Code shall remain in full force and effect.

ADOPTED THIS _____ day of _____ 2012.

CITY OF EL PASO

John F. Cook, Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Marie A. Taylor
Assistant City Attorney

Deborah G. Hamlyn
Deputy City Manager